

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

THERESA ELAINE
MIDDLEBROOKS,

Plaintiff,

v.

CENTURYLINK
COMMUNICATIONS, and QWEST
COMMUNICATIONS,

Defendants.

8:15CV1

**MEMORANDUM
AND ORDER**

This matter is before the court on Plaintiff's motions seeking the appointment of counsel (Filing No. [8](#)) and "a continuance to allow additional time for the courts to appoint [] counsel" (Filing No. [9](#)).

The court cannot routinely appoint counsel in civil cases. In [Davis v. Scott, 94 F.3d 444, 447 \(8th Cir. 1996\)](#), the Eighth Circuit Court of Appeals explained that "[i]ndigent civil litigants do not have a constitutional or statutory right to appointed counsel. The trial court has broad discretion to decide whether both the plaintiff and the court will benefit from the appointment of counsel[.]" *Id.* (internal citation and quotation marks omitted). No such benefit is apparent here at this time. Thus, the request for the appointment of counsel will be denied without prejudice to reassertion.

The court will also deny Plaintiff's request for "a continuance to allow additional time for the courts to appoint [] counsel" (Filing No. [9](#)), in light of its decision not to appoint counsel at this time. However, on the court's own motion, the court will extend the time in which Plaintiff has to file an amended complaint in this case. (See Filing No. [7](#) (ordering Plaintiff to file an amended complaint asserting plausible claims for relief, and either file a copy of her right-to-sue notices or set forth

in her amended complaint whether she filed suit within 90 days of her receipt of any right-to-sue notices pertaining to her claims).)

IT IS THEREFORE ORDERED that:

1. Plaintiff's request for the appointment of counsel (Filing No. [8](#)) is denied without prejudice.
2. Plaintiff's request for a continuance (Filing No. [9](#)) is denied as moot.
3. Plaintiff must file an amended complaint within 30 days that asserts plausible claims for relief as discussed in the court's Memorandum and Order dated April 7, 2015. Plaintiff must also file a copy of her right-to-sue notice or notices or amend her complaint to allege whether she filed suit within 90 days of her receipt of any right-to-sue notices pertaining to her claims.
4. Plaintiff's failure to act in accordance with this order will result in dismissal of this action.
5. The clerk of the court is directed to set the following pro se case management deadline: June 11, 2015: Check for amended complaint and notices.

DATED this 11th day of May, 2015.

BY THE COURT:

s/ John M. Gerrard

United States District Judge

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